

APPENDIX 10

AMERICAN ARBITRATION ASSOCIATION
INTERNATIONAL CENTER FOR DISPUTE RESOLUTION

CALGENE LLC,

Claimant,

v.

RHÔNE-POULENC AGRO S.A.

Respondent.

No. 50 T 153 00190 99

DECLARATION

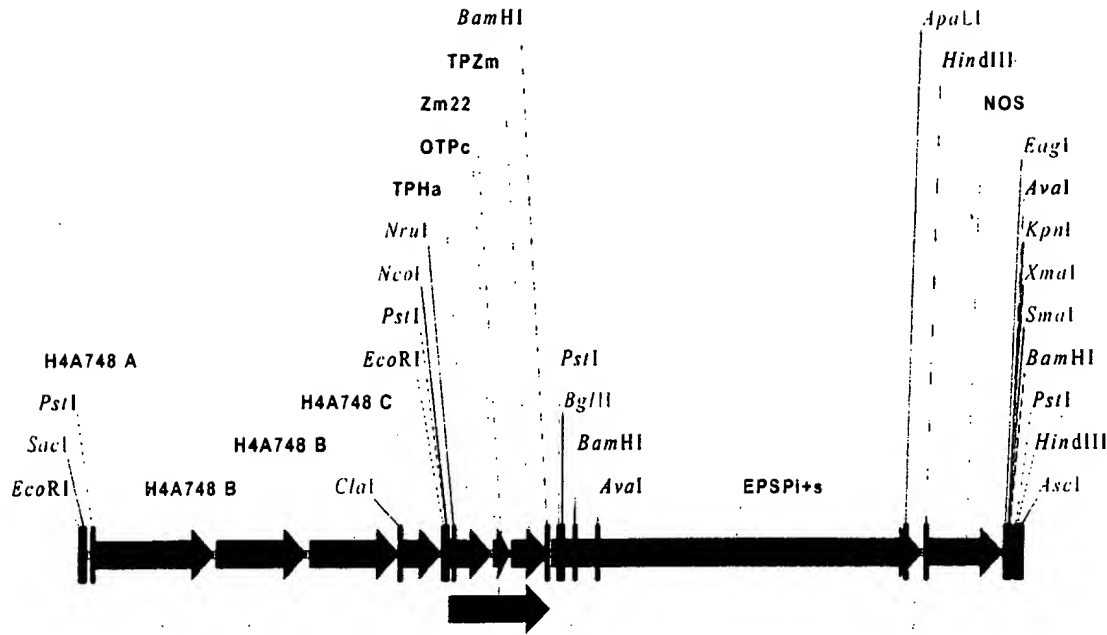
We, Alain Sailland, PhD and Jean-Marc Ferrullo, PhD, hereby declare under penalty of perjury that the facts set forth in the Report "Comparison of Glyphosate Tolerance of Four Coding Sequences in Transgenic Tobacco" are true and correct of our knowledge, and, if called as witnesses, we could and would testify competently that the Report is true and accurate.

We make this Declaration under the penalty of perjury under the laws of the United States, that all of the above statements are made of our own knowledge and are true and correct to the best of our belief. This Declaration is executed this 3th day of April, 2001.

Alain Sailland, PhD

Jean-Marc Ferrullo, PhD

Exhibit 1



Fragment of pRD 2010-sac
3381 bp (molecule 6076 bp)

Coding sequence for pRD 2010-sac :

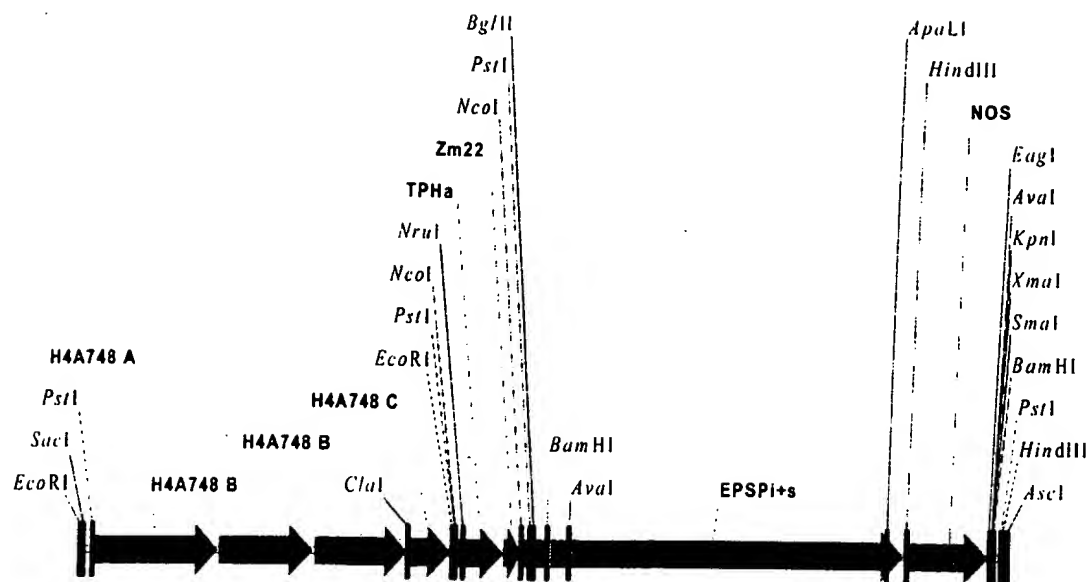
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      F T G L K S N A A F P T T K K A N D F S T L P S
4137 TTCACCGGCTT AAGTCCAACGCC GCCTTCCCACC ACCAAGAAGGCT AACGACTTCTCC ACCCTTCCCAGC
      N G G R V Q C M Q V W P A Y G N K K F E T L S Y
4209 AACGGTGAAGA GTTCAATGTATG CAGGTGTGGCCG GCCTACGGCAAC AAGAAGTTCGAG ACCTGTCTGTAC
      L P P L S M A P T V M M A S S A T A V A P F Q G
4281 CTGCCGCGCTG TCTATGGCGCCC ACCGTGATGATG GCCTCGTCGGCC ACCGCGCTCGCT CCGTTCAGGGG
      L K S T A S L P V A R R S S R S L G N V S N G G
4353 CTCAGTCCACC GCCAGCTCCCTC GTCGCGCGCCG TCCTCCAGAAGC CTCGGCAACGTC AGCAACGGCGGA
      R I R C M A G A E E I V L Q P I K E I S G T V K
4425 AGGATCCGGTGC ATGGCCGGCGCC GAGGAGATCGTG CTGCAGCCATC AAGGAGATCTCC GGCACCGTCAAG
      L P G S K S L S N R I L L L A A L S E G T T V V
4497 CTGCCGGGTCC AAGTCGTTTCC AACCGGATCTC CTACTCGCGCC CTGTCCGAGGG ACAACAGTGGTT
      D N L L N S E D V H Y M L G A L R T L G L S V E
4569 GATAACCTGCTG AACAGTGAAGAT GTCCACTACATG CTCGGGGCCTTG AGGACTCTTGGT CTCTCTGTGCAA
      A D K A A K R A V V V G C G G K F P V E D A K E
4641 GCGGACAAAGCT GCCAAAGAGCT GTAGTGTGTGGC TGTGGTGGAAAG TTCCAGTTGAG GATGCTAAAGAG
      E V Q L F L G N A G I A M R S L T A A V T A A G
4713 GAAGTGCAGCTC TTCTTGGGGAAT GCTGGAATCGCA ATGCGGTCTCTG ACAGCAGCTGTT ACTGCTGCTGGT
      G N A T Y V L D G V P R M R E R P I G D L V V G
4785 GGAAATGCAACT TACGTGCTTGAT GGAGTACCAAGA ATGAGGGAGAGA CCCATTGGCGAC TTGGTTGTGCGA
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4857 TTGAAGCAGCTT GGTGCAGATGTT GATTGTTTCTT GGCACGACTGC CCACCTGTTCTG GTCAATGGAATC
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      A A P L A L G D V E I E I I D K L I S I P Y V E
5001 GCTGCTCCTTGG GCTCTTGGGAT GTGGGATGATAA ATCATTGATAAA TTAATCTCCAT CCGTACGTCGAA
      M T L R L M E R F G V K A E H S D S W D R F Y I
5073 ATGACATTGAGA TTGATGAGCGT TTTGTTGTGAAA CGAGAGCATTCT GATAGCTGGGAC AGATTCTACATT
      K G G Q K Y K S P K N A Y V E G D A S S A S Y F
5145 AAGGGAGGTCAA AAATACAAGTCC CCTAAAAATGCC TATGTTGAAGGT GATGCCCTCAAGC GCAAGCTATTTC
      L A G A A I T G G T V T V E G C G T T S L Q G D
5217 TTGGCTGGTCTG GCAATTACTGGA GGGACTGTGACT GTGGAAGGTGTG GGCACCACCACT TTGCAGGGTGAT
      V K F A E V L E M M G A K V T W T E T S V T V T
5289 GTGAAGTTTGCT GAGGTACTGGAG ATGATGGGAGCG AAGGTTACATGG ACCGAGACTAGC GTAAGTGTACT

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5361 G P P R E P F G R K H L K A I D V N M N K M P D
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V A M T L A V V A L F A D G P T A I R D V A S W
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R V K E T E R M V A I R T E L T K L G A S V E E
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G P D Y C I I T P P E K L N V T A I D T Y D D H
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R M A M A F S L A A C A E V P V T I R D P G C T
5649 AGGATGGCGATG GCTTTCTCCCTT GCCGCCTGTGCC GAGGTCCCCGTC ACCATCCGGGAC CCTGGGTGCACC
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Exhibit 2

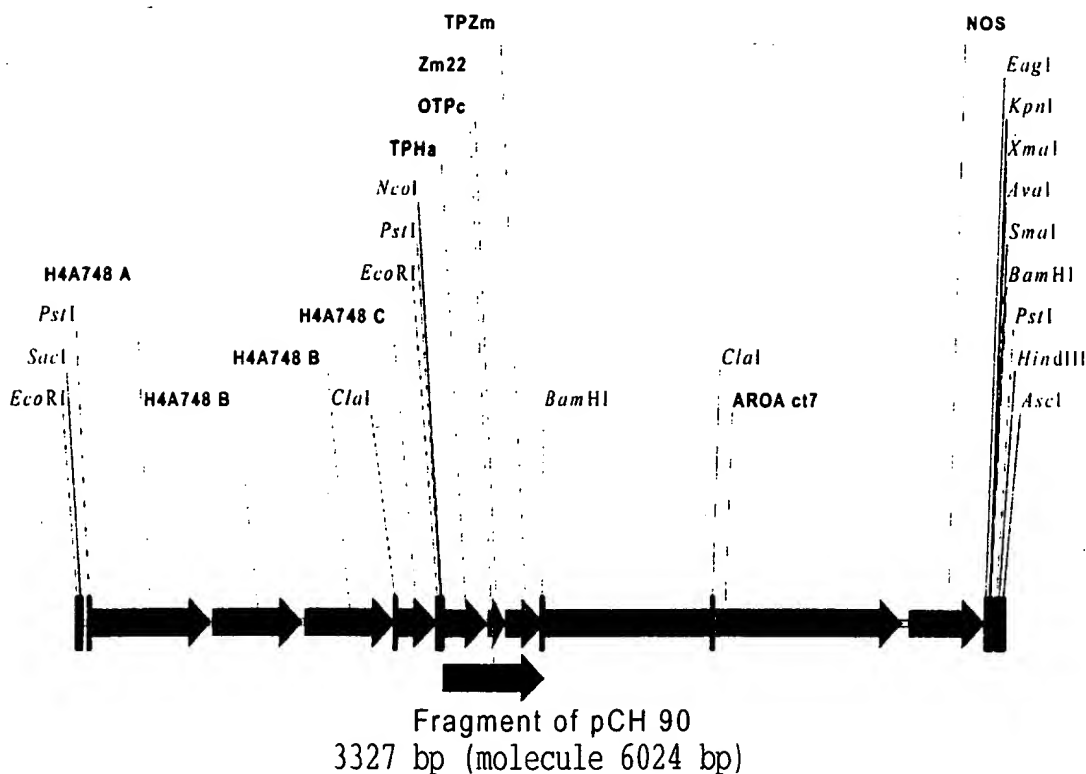


Fragment of pEPS2
3240 bp (molecule 5935 bp)

Coding sequence for pEPS2

| | |
|------|--|
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| 5664 | ATGGCTTCGATC TCCTCCTCAGTC GCGACCGCTTAGC CGGACCGCCCTT GCTCAGGCCAAC ATGGTGGCTCCG |
| | F T G L K S N A A F P T T K K A N D F S T L P S |
| 5736 | TTCACCGGCTT AAGTCCAACGCC GCCTTCCCCACC ACCAAGAAGGCT AACGACTTCTCC ACCCTTCCCAGC |
| | N G G R V Q C M Q V W P A Y G N K K F E T L S Y |
| 5808 | AACGGTGAAGA GTTCAATGTATG CAGGTGTGGCCG GCCTACGGCAAC AAGAAGTTCGAG ACCTGTGCTGAT |
| | L P P L S M A G A E E I V L Q P I K E I S G T V |
| 5880 | CTGCCCGCGTG TCCATGGCCGGC GCCGAGGAGATC GTGCTGCAGCCC ATCAAGGAGATC TCCGGCACCGTC |
| | K L P G S K S L S N R I L L L A A L S E G T T V |
| 17 | AAGCTGCCGGG TCCAAGTCGCTT TCCAACCGGATC CTCTACTCGCC GCCCTGTCCGAG GGGACAACAGTG |
| | V D N L L N S E D V H Y M L G A L R T L G L S V |
| 89 | GTTGATAACCTG CTGAACAGTGAG GATGTCCACTAC ATGCTCGGGGCC TTGAGGACTCTT GGTCTCTCTGTC |
| | E A D K A A K R A V V V G C G G K F P V E D A K |
| 161 | GAACCGGACAAA GCTGCCAAAAGA GCTGTAGTTGTT GGCTGTGGTGGA AAGTTCACAGT GAGGATGCTAAA |
| | E E V Q L F L G N A G I A M R S L T A A V T A A |
| 233 | GAGGAAGTGCAG CTCTTCTTGGGG AATGTCTGGAATC GCAATGCGGTCC TTGACAGCAGCT GTTACTGCTGCT |
| | G G N A T Y V L D G V P R M R E R P I G D L V V |
| 305 | GCTGGAATGCA ACTTACGTGCTT GATGGAGTACCA AGAATGAGGGAG AGACCCATTGGC GACTTGGTTGTC |
| | G L K Q L G A D V D C F L G T D C P P V R V N G |
| 377 | GGATTGAAGCAG CTTGGTGCAGAT GTTGATTGTTTC CTGGCACTGAC TGCCACCTGTT CGTGTCAATGGA |
| | I G G L P G G K V K L S G S I S S Q Y L S A L L |
| 449 | ATCGGAGGGCTA CCTGGTGGCAAG GTCAAGCTGTCT GGCTCCATCAGC AGTCAGTACTTG AGTGCCTTGCTG |
| | M A A P L A L G D V E I E I I D K L I S I P Y V |
| 521 | ATGGCTGCTCCT TTGGCTCTTGGG GATGTGGAGATT GAAATCATTGAT AAATTAATCTCC ATTCCGTACGTC |
| | E M T L R L M E R F G V K A E H S D S W D R F Y |
| 593 | GAAATGACATTG AGATTGATGGAG CGTTTGTGTGTG AAAGCAGAGCAT TCTGATAGCTGG GACAGATTCTAC |
| | I K G G Q K Y K S P K N A Y V E G D A S S A S Y |
| 665 | ATTAAGGGAGGT CAAAAATACAAG TCCCTAATAAAT GCCTATGTTGAA GGTGATGCCCTCA AGCGCAAGCTAT |
| | F L A G A A I T G G T V T V E G C G T T S L Q G |
| 737 | TTCTTGGCTGGT GCTGCAATTACT GGAGGACTGTG ACTGTGGAAGGT TGTGGCACCACC AGTTTGCAGGGT |
| | D V K F A E V L E M M G A K V T W T E T S V T V |
| 809 | GATGTGAAGTTT GCTGAGGTACTG GAGATGATGGGA GCGAAGGTTACA TGGACCGAGACT AGCGTAACGTGT |
| | T G P P R E P F G R K H L K A I D V N M N K M P |
| 881 | ACTGGCCACCG CGGAGCCATTT GGGAGGAAACAC CTCAAGGCGATT GATGTCAACATG AACAAGATGCCT |
| | D V A M T L A V V A L F A D G P T A I R D V A S |
| 953 | GATGTGCGCATG ACTCTGTGTGT GTTGCCTCTTT GCCGATGGCCCG ACAGCCATCAGA GACGTGGCTTCC |
| | W R V K E T E R M V A I R T E L T K L G A S V E |
| 1025 | TGGAGAGTAAAG GAGACCGAGAGG ATGTTTGCAGTA CGGACCGAGCTA ACCAAGCTGGGA GCATCTGTTGAG |

E G P D Y C I I T P P E K L N V T A I D T Y D D
1097 GAAGGGCCGGAC TACTGCATCATC ACGCCGCCGGAG AAGCTGAACGTG ACGGCGATCGAC ACGTACGACGAC
H R M A M A F S L A A C A E V P V T I R D P G C
1169 CACAGGATGGCG ATGGCTTTCTCC CTTGCCGCCTGT GCCGAGGTCCCC GTCACCATCCGG GACCCTGGGTGC
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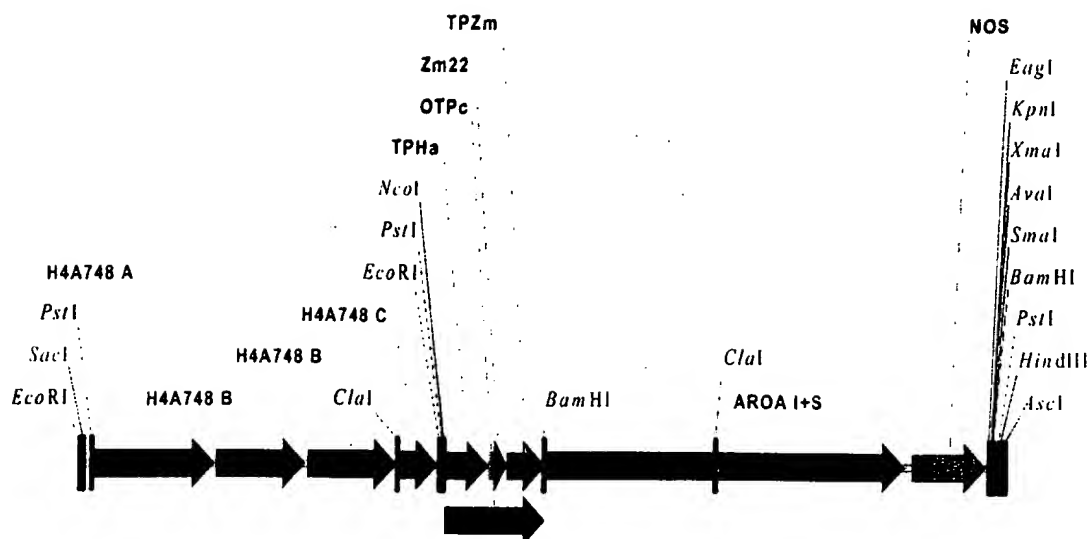


Coding sequence for pCH90:

| | | | | | | |
|------|---------------|--------------|---------------|---------------|---------------|---------------|
| 4065 | M A S I | S S S V | A T V S | R T A P | A Q A N | M V A P |
| | ATGGCTTCGATC | TCCTCCTCAGTC | GCGACCCTTAGC | CGGACCGCCCTT | GCTCAGGCCAAC | ATGGTGGCTCCG |
| 4137 | F T G L | K S N A | A F P T | T K K A | N D F S | T L P S |
| | TTCACTCGGCTT | AAGTCCAAGCC | GCCTTCCCACC | ACCAAGAAGGT | AACGACTTCTCC | ACCCCTCCSAGC |
| 4209 | N G G R | V Q C M | Q V W P | A Y G N | K K F E | T L S Y |
| | AACGGTGAAGA | GTTCAATGTATG | CAGGTGTGGCCG | GCCTACGGCAAC | AAGAAGTTCGAG | ACGCTGTCGTAC |
| 4281 | L P P L | S M A P | T V M M | A S S A | T A V A | P F Q G |
| | CTGCCGCGCTG | TCTATGGCGCCC | ACCGTGATGATG | GCCTCGTCGGCC | ACCGCCGTCGCT | CCGTTCCAGGGG |
| 4353 | L K S T | A S L P | V A R R | S S R S | L G N V | S N G G |
| | CTCAAGTCCACC | GCCAGCCTCCCC | GTCGCCCGCCGC | TCCTCCAGAAGC | CTCGGCAACGTC | AGCAACGGCGGA |
| | BamHI | | | | | |
| | ----- | | | | | |
| 4425 | R I R C | M E S L | T L Q P | I A R V | D G A I | N L P G |
| | AGGATCCGGTGC | ATGGAATCCCTG | ACGTTACAACCC | ATCGCGCGGGTC | GATGGCGCCATT | AATTTACCTGGC |
| 4497 | S K S V | S N R A | L L L A | A L A C | G K A A | L T N L |
| | TCCAAAGTGTGT | TCAAACCTGACT | TTGCTCCTGGCG | GCTTTAGCTTGT | GGTAAAAACCGCT | CTGACGAATCTG |
| 4569 | L D S D | D V R H | M L N A | L S A L | G I N Y | T L S A |
| | CTGGATAGCGAT | GACGTCCGCCAT | ATGCTCAATGCC | CTGAGCGCGTTG | GGGATCAATTAC | ACCCTTTCTGCC |
| 4641 | D R T R | C D I T | G N G G | A L R A | P G A L | E L F L |
| | GATCGCACCCGC | TGTGATGTACAG | GGTAATGGCGGC | GCATTACGTGCG | CCAGGCGCTCTG | GAACTGTTTCTC |
| 4713 | G N A G | T A M R | S L A A | A L C L | G Q N E | I V L T |
| | GGTAATGCCCGA | ACCGCGATGCGT | TCGTTAGCGGCA | GCGETATGTCTG | GGGCAAAATGAG | ATAGTGTTAACC |
| 4785 | G E P R | M K E R | P I G H | L V D S | L R Q G | G A N I |
| | GGCGAAGCCGCT | ATGAAAGAGCGT | CCGATAGGCCAT | CTGGTCGATTCTG | CTGCGCTAGGGC | GGGGCGCAATATT |
| 4857 | D Y C L | Q E N Y | P P L R | L R G G | F T G G | D I E V |
| | GATTACTGGAG | CAGSAAACTAT | CCGCCCTTGCCT | CTGCGCGCGGTT | TTTACCGGCGGC | GACATTGAGGTT |
| 4929 | D G S V | S G Q F | L T A L | L M T A | P L A P | K D T I |
| | GATGGTAGCGTT | TCCAGCCAGTTC | CTGACCCTCTCTG | CTGATGACGGCG | CCGCTGGCCCTT | AAAGACACAATT |
| | | | | ----- | | |
| 5001 | I R V K | G E L V | S K P Y | I D I T | L N L M | K T F G |
| | ATTTCGCGTTAAA | GGCGAACTGGTA | TCAAAAACCTTAC | ATCGATATACAG | CTAAATTTAATG | AAAACCTTTGGC |
| 5073 | V E I A | N H H Y | Q Q F V | V K G G | Q Q Y H | S P G R |
| | GTGGAGATACGG | AACCACTACTAC | CAACAATTTGTC | GTGAAGGGAGGT | CAACAGTTATAC | TCTCCAGGTTCG |

Y L V E G D A S S A S Y F L A A G A I K G G T V
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 K V T G I G R K S M Q G D I R F A D V L E K M G
 5217 AAAGTGACCGGA ATTGGCCGCAAA AGTATGCAGGCG GATATTCGTTTT GCCGATGTGCTG GAGAAAATGGGC
 A T I T W G D D F I A C T R G E L H A I D M D M
 5349 GCGACCATTACC TGGGGCGATGAT TTTATTGCCTGC ACGCGCGGTGAA TTGCACGCCATA GATATGGATATG
 N H I P D A A M T I A T T A L F A K G T T T L R
 5361 AACCATATTCGG GATGCGGCGATG ACGATTGCCACC ACGGCGCTGTTT GCGAAAGGAACC ACGACGTTGCGC
 N I Y N W R V K E T D R L F A M A T E L R K V G
 5413 AATATTTATAAC TGGCGAGTGAAA GAAACCGATCGC CTGTTTCGCGATG GCGACCGAGCTA CGTAAAGTGGGC
 A E V E E G H D Y I R I T P P A K L Q H A D I G
 5505 GCTGAAGTCGAA GAAGGGCAGCAC TATATTCGTATC ACGCCGCCGGCG AAGCTCCAACAC GCGGATATTGGC
 T Y N D H R M A M C F S L V A L S D T P V T I L
 5577 ACGTACAACGAC CACCGTATGGCG ATGTGCTTCTCA CTGGTCGCACTG TCCGATACGCCA GTTACGATCCTG
 D P K C T A K T F P D Y F E Q L A R M S T P A
 5649 GACCCTAAATGT ACCGCAAAAACG TTCCCTGATTAT TTCGAACAACTG GCGCGAATGAGT ACGCCTGCC

Exhibit 4



Fragment of pCH 91
3329 bp (molecule 6024 bp)

Coding sequence for pCH91:

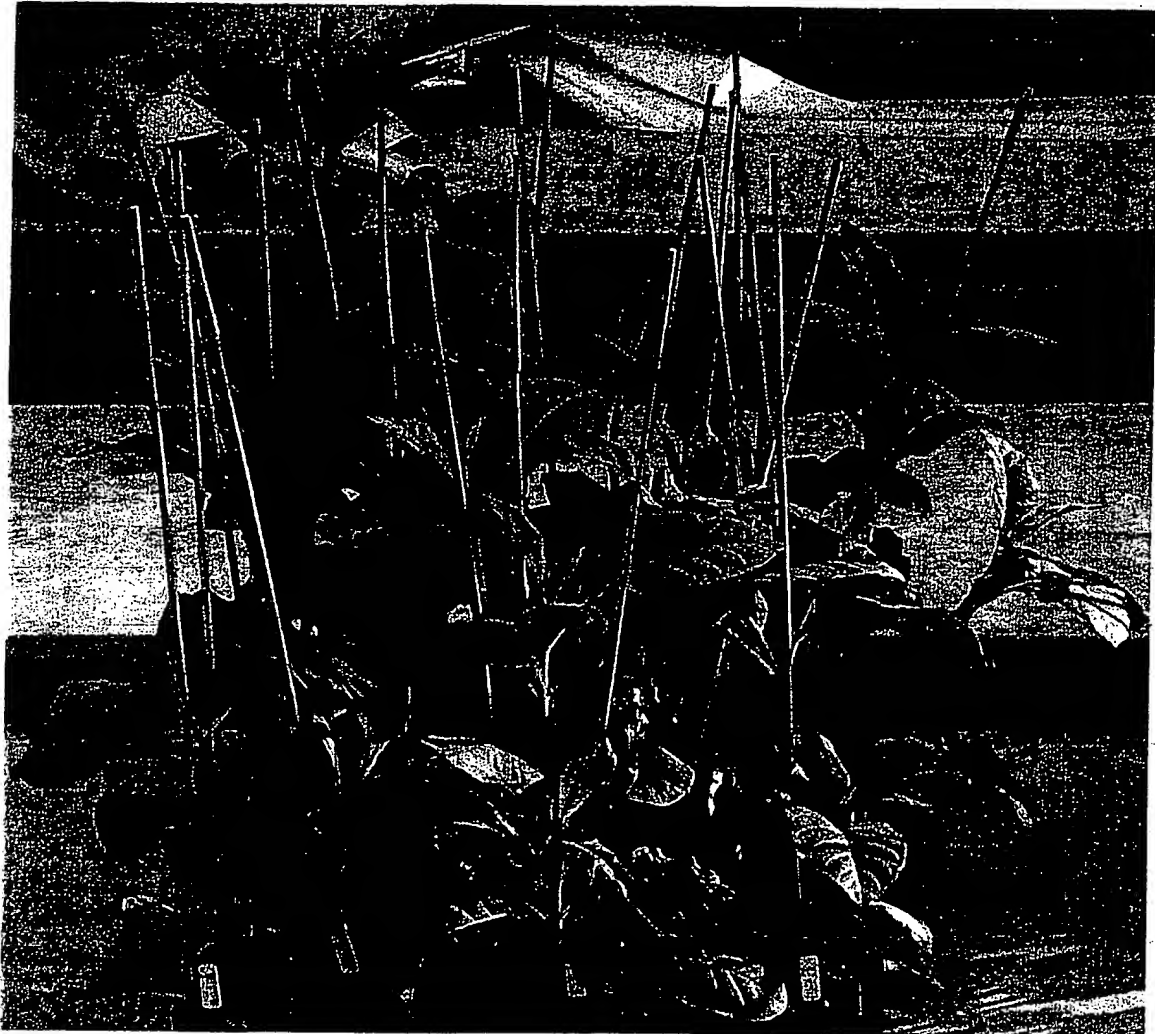
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      TTCACCGGCTT AAGTCCAACGCC GCCTTCCCCACC ACCAAGAAGGCT AACGACTTCTCC ACCCTTCCCAGC
5507  N G G R V Q C M Q V W P A Y G N K K F E T L S Y
      AACGGTGAAGA GTTCAATGTATG CAGGTGTGGCCG GCCTACGGCAAC AAGAAGTTCGAG ACCTGTGCTGAC
5579  L P P L S M A P T V M M A S S A T A V A P F Q G
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5651  L K S T A S L P V A R R S S R S L G N V S N G G
      CTCAAGTCCACC GCCAGCTTCCCC GTCCGCCGCCGC TCCTCCAGAAGC CTCGGCAACGTC AGCAACGGCGGA
5723  R I R C M E S L T L Q P I A R V D G A I N L P G
      AGGATCCGGTGC ATGGAATCCCTG ACCTTACAACCC ATCGCGCGGGTC GATGGCGCCATT AATTTACCTGGC
5795  S K S V S N R A L L L A A L A C G K T A L T N L
      TCCAAAAGTGT TCAAAACGTGCT TTGCTCCTGGCG GCTTTAGCTTGT GGTAACACCGCT CTGACGAATCTG
5867  L D S D D V R H M L N A L S A L G I N Y T L S A
      CTGGATAGCGAT GACGTCCGCCAT ATGCTCAATGCC CTGAGCGCGTTG GGGATCAATTAC ACCCTTCTGGC
5939  D R T R C D I T G N G G A L R A P G A L E L F L
      GATCGCACCCGC TGTGATATCACG GGTAATGGCGGC GCATTACGTGCG CCAGGCGCTCTG GAACTGTTTCTC
6011  G N A G I A M R S L A A A L C L G Q N E I V L T
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59  G E P R M K E R P I G H L V D S L R Q G G A N I
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131  D Y L E Q E N Y P P L R L R G G F T G G D I E V
      GATTACCTGGAG CAGGAAAACCTAT CCGCCCTCGCT CTGCGCGCGGCT TTTACCGCGGCG GACATTGAGGTT
203  D G S V S S Q F L T A L L M T A P L A P K D T I
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275  I R V K G E L V S K P Y I D I T L N L M K T F G
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347  V E I A N H H Y Q Q F V V K G G Q Q Y H S P G R
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419  Y L V E G D A S S A S Y F L A A G A I K G G T V
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491  K V T G I G R K S M Q G D I R F A D V L E K M G
      AAAGTGACCGGA ATTGGCCGCAA AGTATGCAGGGC GATATTCGTTTT GCCGATGTGCTG GAGAAAATGGGC
563  A T I T W G G D D F I A C T R G E L H A I D M D M
      GCGACCATTACC TGGGCGATGAT TTTATTGCTGTC ACGCGCGGTGAA TTGCACGCCATA GATATGGATATG
635  N H I P D A A M T I A T T A L F A K G T T T L R
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707 N I Y N W R V K E T D R L F A M A T E L R K V G
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A E V E E G H D Y I R I T P P A K L Q H A D I G
779 GCTGAAGTCGAA GAAGGGCACGAC TATATTCGTATC ACGCCGCCGGCG AAGCTCCAACAC GCGGATATTGGC
T Y N D H R M A M C F S L V A L S D T P V T I L
851 ACGTACAACGAC CACCGTATGGCG ATGTGCTTCTCA CTGGTCGCACTG TCCGATACGCCA GTTACGATCCTG
D P K C T A K T F P D Y F E Q L A R M S T P A
923 GACCCTAAATGT ACCGCAAAAACG TTCCTGATTAT TTCGAACAACG GCGCGAATGAGT ACGCCTGCC

Exhibit 5: OTP - DMMG



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Exhibit 6: TPha+22AAmz - DMMG



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Exhibit 7: OTP - DMARoA



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Exhibit 8:
Comparison OTP-DMMG (left) and TPha+22AAmz-DMMG (right)



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Exhibit 9:
Comparison OTP - DMMG (left) v. OTP - DMaroA (right)



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Exhibit 10:
OTP-DMMG (left); OTP-DMAroA; and TPha+22AAmz-DMMG (right)



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